

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:20-CR-341-1FL(3)

FILED IN OPEN COURT

ON 7-21-20 BEN

Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA)
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RICHARD RUBALACAVA)

v.

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about May 30, 2020, in the Eastern District of North Carolina, RICHARD RUBALACAVA, the defendant herein, maliciously attempted to damage and destroy by means, of fire, personal and real property of The Dollar General Express located at 149 East Davie Street, Raleigh, North Carolina, a business that affects interstate commerce, in violation of Title 18, United States Code, Sections 844(i).

COUNT TWO

On or about May 30, 2020, in the Eastern District of North Carolina, RICHARD RUBALACAVA, the defendant herein, maliciously attempted to damage and destroy by means, of fire, personal and real property of Budacai Restaurant located at 120 East Martin Street, Raleigh, North Carolina, a business that affects interstate commerce, in violation of Title 18, United States Code, Sections 844(i).

FORFEITURE NOTICE

The defendant is given notice that all of the defendant's interest in all property specified herein is subject to forfeiture.

Upon conviction of the offense(s) set forth in the foregoing Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s), and pursuant to Title 18, United States Code, Section 844(c) and Title 28, United States Code, Section 2461(c), any explosive materials involved or used or intended to be used in the violation(s).

If any of the property described above as being subject to forfeiture to the United States, as a result of any act or omission of the Defendant,

- (1) Cannot be located upon the exercise of due diligence;
- (2) Has been transferred or sold to, or deposited with a third party;
- (3) Has been placed beyond the jurisdiction of the Court;
- (4) Has been substantially diminished in value; or
- (5) Has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Sections 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the said Defendant up to the value of the

above forfeitable property.

A TRUE BILL

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

July 21, 2020
DATE:

Robert J. Higdon, Jr.
United States Attorney

Daniel Smith

By: Daniel William Smith
Assistant United States Attorney
Criminal Division